

**FAX TRANSMISSION****DATE:** February 8, 2010**PTO IDENTIFIER:** Application Number 10/813,558-Conf. #4103

Patent Number

**Inventor:** Yoshio Ishii et al.**MESSAGE TO:** Examiner: L.J. Weinstein, Art Unit: 3746**FAX NUMBER:** (571) 273-0025**FROM:** DARBY & DARBY P.C.

Thomas J. Bean

**PHONE:** (212) 527-7700**Attorney Dkt. #:** 04110/0201116-US0**FAX RECEIVED**  
**FEB 12 2010**  
**OFFICE OF PETITIONS****PAGES (Including Cover Sheet):** 19**CONTENTS:**

1. Petition To Correct Inventorship Pursuant To 37 C.F.R. 1.48(a) (2 pages);
  2. Declaration of Kozo Shirato as an inventor to be deleted (This Declaration has not been executed by Kozo Shirato) (2 pages);
  3. Petition under 37 § C.F.R. 1.183 to suspend Rule 48(a)(2) for a Declaration from Kozo Shirato (2 pages);
  4. Declaration of Yoshio Ishii (discussing the pertinent facts of Kozo Shirato's refusal to sign the Declaration of Kozo Shirato) (2 pages);
  5. Declaration of Yoshio Ishii, Koji Tanemura and Toshihiko Matsumoto as required by 37 C.F.R. § 1.63 (4 pages);
  6. Supplemental Application Data Sheet (2 pages);
  7. Consent of assignee, ERC, Inc. (assignee of Yoshio Ishii, Koji Tanemura and Toshihiko Matsumoto) (1 page);
  8. Fee Transmittal (1 page);
  9. Processing Fee Transmittal (1 page); and
  10. Payment in the amount of \$130.00 covering the processing fee set forth in 37 C.F.R. § 1.17(i) is enclosed. The Commissioner is authorized to charge any deficiency of up to \$300.00 or credit any excess in the fee due with this submission to Deposit Account No. 04-0100.
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PTO/SB/97 (09-04)

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Application No. (if known): 10/813,558

Attorney Docket No.: 04110/0201116-USO

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<p><i>Effective on 12/09/2004, Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</i></p> <h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">For FY 2009</h3>		<p><b>Complete if Known</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Application Number</td> <td>10/813,558-Conf. #4103</td> </tr> <tr> <td>Filing Date</td> <td>March 29, 2004</td> </tr> <tr> <td>First Named Inventor</td> <td>Yoshio Ishii</td> </tr> <tr> <td>Examiner Name</td> <td>L. J. Weinstein</td> </tr> <tr> <td>Art Unit</td> <td>3746</td> </tr> <tr> <td>Attorney Docket No.</td> <td>04110/0201116-050</td> </tr> </table>		Application Number	10/813,558-Conf. #4103	Filing Date	March 29, 2004	First Named Inventor	Yoshio Ishii	Examiner Name	L. J. Weinstein	Art Unit	3746	Attorney Docket No.	04110/0201116-050																																																																				
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<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		<p><b>FAX RECEIVED</b> <b>FEB 12 2010</b> <b>OFFICE OF PETITIONS</b></p>																																																																																	
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<p><b>METHOD OF PAYMENT</b> (check all that apply)</p> <p> <input type="checkbox"/> Check            <input type="checkbox"/> Credit Card            <input type="checkbox"/> Money Order            <input type="checkbox"/> None            <input type="checkbox"/> Other (please identify): _____       </p> <p> <input checked="" type="checkbox"/> Deposit Account            Deposit Account Number: <u>04-0100</u>            Deposit Account Name: <u>Darby &amp; Darby P.C.</u> </p> <p>For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)</p> <p> <input checked="" type="checkbox"/> Charge fee(s) indicated below            <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee       </p> <p> <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17            <input checked="" type="checkbox"/> Credit any overpayments       </p>																																																																																			
<p><b>FEE CALCULATION</b></p> <p><b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Application Type</th> <th colspan="2">FILING FEES</th> <th colspan="2">SEARCH FEES</th> <th colspan="2">EXAMINATION FEES</th> <th rowspan="2">Fees Paid (\$)</th> </tr> <tr> <th>Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee (\$)</th> <th>Small Entity Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>Utility</td> <td>330</td> <td>165</td> <td>540</td> <td>270</td> <td>220</td> <td>110</td> <td></td> </tr> <tr> <td>Design</td> <td>220</td> <td>110</td> <td>100</td> <td>50</td> <td>140</td> <td>70</td> <td></td> </tr> <tr> <td>Plant</td> <td>220</td> <td>110</td> <td>330</td> <td>165</td> <td>170</td> <td>85</td> <td></td> </tr> <tr> <td>Reissue</td> <td>330</td> <td>165</td> <td>540</td> <td>270</td> <td>650</td> <td>325</td> <td></td> </tr> <tr> <td>Provisional</td> <td>220</td> <td>110</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td></td> </tr> </tbody> </table> <p><b>2. EXCESS CLAIM FEES</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Fee Description</th> <th>Fee (\$)</th> <th>Small Entity Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>Each claim over 20 (including Reissues)</td> <td>52</td> <td>26</td> </tr> <tr> <td>Each independent claim over 3 (including Reissues)</td> <td>220</td> <td>110</td> </tr> <tr> <td>Multiple dependent claims</td> <td>390</td> <td>195</td> </tr> </tbody> </table> <p> <u>Total Claims</u>    <u>Extra Claims</u>    <u>Fee (\$)</u>    <u>Fee Paid (\$)</u>    <u>Multiple Dependent Claims</u>  <u>1</u> - 20 or HP    <u>x</u>    =    <u>Fee (\$)</u>    <u>Fee Paid (\$)</u> </p> <p>HP = highest number of total claims paid for, if greater than 20.</p> <p> <u>Indep. Claims</u>    <u>Extra Claims</u>    <u>Fee (\$)</u>    <u>Fee Paid (\$)</u>  <u>1</u> - 5 or HP    <u>x</u>    =    <u>Fee Paid (\$)</u> </p> <p>HP = highest number of independent claims paid for, if greater than 3.</p> <p><b>3. APPLICATION SIZE FEE</b></p> <p>If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Total Sheets</th> <th>Extra Sheets</th> <th>Number of each additional 50 or fraction thereof</th> <th>Fee (\$)</th> <th>Fee Paid (\$)</th> </tr> </thead> <tbody> <tr> <td>_____</td> <td>_____</td> <td>_____ / 50 = _____ (round up to a whole number) x _____ = _____</td> <td></td> <td></td> </tr> </tbody> </table> <p><b>4. OTHER FEE(S)</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Non-English Specification, \$130 fee (no small entity discount)</td> <td></td> </tr> <tr> <td>Other (e.g., late filing surcharge): 1808 Processing fee, except in provisional applications</td> <td>130.00</td> </tr> </table>				Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Utility	330	165	540	270	220	110		Design	220	110	100	50	140	70		Plant	220	110	330	165	170	85		Reissue	330	165	540	270	650	325		Provisional	220	110	0	0	0	0		Fee Description	Fee (\$)	Small Entity Fee (\$)	Each claim over 20 (including Reissues)	52	26	Each independent claim over 3 (including Reissues)	220	110	Multiple dependent claims	390	195	Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)	_____	_____	_____ / 50 = _____ (round up to a whole number) x _____ = _____			Non-English Specification, \$130 fee (no small entity discount)		Other (e.g., late filing surcharge): 1808 Processing fee, except in provisional applications	130.00
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<p><b>SUBMITTED BY</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Signature</td> <td></td> <td>Registration No. (Attorney/Agent)</td> <td>44,528</td> <td>Telephone</td> <td>(212) 527-7700</td> </tr> <tr> <td>Name (Print/Type)</td> <td>Thomas J. Bean</td> <td>Date</td> <td colspan="3">February 8, 2010</td> </tr> </table>				Signature		Registration No. (Attorney/Agent)	44,528	Telephone	(212) 527-7700	Name (Print/Type)	Thomas J. Bean	Date	February 8, 2010																																																																						
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<b>PROCESSING FEE</b> <b>Under 37 CFR 1.17(i)</b> <b>TRANSMITTAL</b> (Fees are subject to annual revision)	Application Number	10/813,558-Conf. #4103
	Filing Date	March 29, 2004
	First Named Inventor	Yoshio Ishii
	Art Unit	3746
	Examiner Name	L. J. Weinstein
	Attorney Docket Number	04110/0201116-1

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 Payment of \$ 130.00 is enclosed.  
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**Payment of Fees** (small entity amounts are NOT available for the processing fees)

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- ☒ processing fee under 37 CFR 1.17(i) ☒ any deficiency of fees and credit of any overpayments
- ☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.
- ☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Processing Fees under 37 CFR 1.17(i): Fee \$130**

**Fee Code 1808 for all,  
 Except for §1.221 papers (Fee Code 1803)**

**For papers filed under:**

- § 1.28(c)(3) - for processing a non-itemized fee deficiency based on an error in small entity status.
- § 1.41 - for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.
- § 1.48 - for correcting inventorship, except in provisional applications.
- § 1.52(d) - for processing a nonprovisional application filed with a specification in a language other than English.
- § 1.53(b)(3) - to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).
- § 1.56 - for entry of late priority papers.
- § 1.71(g)(2) - to enter an amendment to the specification for purposes of 35 U.S.C. 103(c)(2) if not filed within the cited time periods.
- § 1.99(e) - for processing a belated submission under § 1.99.
- § 1.103(b) - for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).
- § 1.103(c) - for requesting limited suspension of action, request for continued examination (§ 1.114).
- § 1.103(d) - for requesting deferred examination of an application.
- § 1.217 - for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
- § 1.221 - for requesting voluntary publication or republication of an application. Fee Code 1803
- § 1.291(c)(5) - for processing a second or subsequent protest by the same real party in interest.
- § 1.497(d) - for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.
- § 3.61 - for a patent to issue to assignee, assignment submitted after payment of the issue fee.

  
 Signature

February 8, 2010  
 Date

Thomas J. Bean

44,528

Typed or printed name

Registration No., if applicable